FILED
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DISTRICT OF OHIO
TOLEDO

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Jon Stainbrook	
	Case No.3:06CV2898
Plaintiff	
v.	Judge: David A. Katz
Lions Gate Entertainment, et al.,	**FILING OF DEFENDANTS' WAIVER OF SERVICE PURSUANT TO CIVIL RULE 4(d)**
Defendants	

Pursuant to Fed. R. Civ. P. Rule 4(d) Plaintiff hereby is filing Defendants Palm Pictures and Lions Gate Home Entertainment signed Waivers of Service for Summons (attached).

Dated March 2, 2007

Respectfully Submitted,

Jon Stainbrook, pro se
1758 Meadowlark Ave.
Toledo, Ohio 43614
Tel: (419) 514-1509
Email: jcstain@aol.com

Dockets.Justia.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Filing of Defendants' Waivers of Service for Summons was sent via US mail on this day, March 2, 2007 to Defendants' counsel Nathan A. Hall, c/o Shumaker Loop & Kendrick, 1000 Jackson St., Toledo, Ohio 43604-5573.

Jon Stainbrook, *pro se*
1758 Meadowlark Ave.
Toledo, Ohio 43614
Tel: (419) 514-1509
Email: jcstain@aol.com

AO 399 (12/93)

WAIVER OF SERVICE FOR SUMMONS

TO: Jon Stainbrook

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I acknowledge receipt of your request that I waive service of a summons in the action of Jon Stainbrook v. Lions Gate Entertainment, et al. (CAPTION OF ACTION), which is case number 3:06CV2898 (DOCKET NUMBER)

in the United States District Court for the Northern District of Ohio, Eastern [ ] Western [X] Division

I have also received a copy of the (check one)

[X] complaint [ ] amended complaint [ ] third-party complaint [ ] crossclaim

[ ] counter-claim [ ] other in the action, two copies of this instrument, and means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgement may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within

60 days after ______________ (A -Date Request was sent), or within 90 days after that date if the request was sent outside the United States.

MAR -2 PM 12:32

DISTRICT ... TOLEDO

DATE: 01/29/07

SIGNATURE: [signature]

Printed/Typed Name: Nathan A. Hall (0077014)

As:
(B): Attorney for Defendant
of (C): Lions Gate Entertainment, Inc.

A. Date request was sent.
B. Title, or other relationship of individual to corporation defendant.
C. Name of Corporation defendant, if any.

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for it failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against the defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually server when the request for waiver of service was received.

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DATE: 01/29/07

SIGNATURE: [signature]

Printed/Typed Name: Nathan A. Hall (0077014)

As: (B): of (C): Attorney for Defendant Palm Pictures, LLC

A. Date request was sent.
B. Title, or other relationship of individual to corporation defendant.
C. Name of Corporation defendant, if any.

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